

MAR 19 2002
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Paper No. 25

In re Application of :
Randall A. Addington *et al* : DECISION ON PETITION
Application No. 09/396,530 :
Filed: September 15, 1999 :
Attorney Docket No. 99-1002 :

This is a decision on the petition filed on February 19, 2002 as a substitute for the petition originally filed on February 18, 2002 which petitioners had feared was incomplete as filed. Both petitions have been treated as though they constitute a single petition.

The petition is granted.

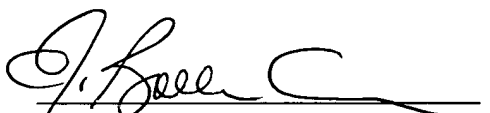
A review of the record shows that this application has been remanded to the examiner by the Board of Patent Appeals and Interferences ("Board"). The Board's direction to the examiner reads:

"On remand, the examiner is directed to take appropriate action, in accordance with the relevant statutes, regulations and Office practices, to resolve the foregoing problems."

Reference to the Board's remand shows that the "foregoing problems" consist of a whole host of issues upon which the Board held that the examiner's treatment of both procedure issues and the merits of the appealed issues of patentability was ambiguous and incomplete.

The present petition reiterates what the Board held. It seems to the undersigned that based upon what the Board stated in its remand, the present petition is clearly grantable to the extent that follows. The examiner is directed to consult with, and to act in accordance with the directions of, the Supervisory Patent Examiner of Art Unit 3711 to resolve all of the issues raised by the Board and by petitioner. To the extent that issues remain that would preclude allowance of the application and which would require a new action to clarify the examiner's objections/rejections in order to satisfy the Board's concerns, the examiner and the Supervisory Patent Examiner should consider reopening prosecution in order to give petitioner an opportunity to respond.

PETITION GRANTED.


E. Rollins-Cross, Director, Patent
Examining Groups 3710 and 3720

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